

TITLE 14. Fish and Game Commission

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 8591 and 8842 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 8590, 8591, 8595, 8842, 9001 and 9015 of said Code, proposes to amend Section 180.15, Title 14, California Code of Regulations, re: coonstripe shrimp fishing.

Informative Digest/Policy Statement Overview

Under existing law, to participate in the commercial coonstripe shrimp fishery one must have a commercial fishing license, a commercial vessel registration, a coonstripe shrimp vessel permit, and if trapping, a general trap permit. A coonstripe shrimp trap fisherman must also abide by all regulations regarding trap size, destruct devices, marking and service interval. Trawl fishermen are required to abide by the general gear specifications and limitations for shrimp trawling.

The Fish and Game Commission is proposing the establishment of a statewide open season for the take of coonstripe shrimp from May 1 through October 31. The rest of the year the fishery would be closed to protect the shrimp during the breeding and egg bearing season. Additionally, the Commission is proposing to allow only trap gear for the take of coonstripe shrimp. The proposed regulation includes language specifying when traps can be set and baited at the start of the season, and when traps must be out of the water at the end of the season.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 "H" Street, Suite 100, Crescent City, California, on Friday, October 25, 2002, at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 18, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 25, 2002, at the hearing in Crescent City. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding phone number. Kristine Barsky, Marine Region, Department of Fish and Game, (805) 985-3114 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons,

including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Each coonstripe shrimp trapper or buyer is considered a business. Establishing a season and gear type will not change the size, composition or activity of the existing fishery participants. No catch would be made in April, but buyers frequently do not purchase the product, or pay reduced prices for it in that month. Trawl nets would be eliminated as a method of take in the fishery, but currently there are no trawl fishermen regularly participating in the fishery.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

John M. Duffy
Assistant Executive Director

Date: July 30, 2002